

AMENDMENTS TO THE DRAWINGS:

Attached are five (5) sheets of replacement drawings containing Figures 2, 5, 14, 19 and 20 for Figures 2, 5, 14, 19 and 20 as originally filed.

REMARKS/ARGUMENTS

Claims 132-311 are pending. By this Amendment, the specification is amended, claims 133, 146, 165, 189, 192 and 194 are canceled, claims 132, 134-136, 138-145, 147, 149-151, 153, 154, 158, 160, 161, 163, 164, 166, 171-184, 186-188, 190, 191, 193, 195 and 196 are amended, and new claims 197-311 have been added. In addition, original Figures 2, 5, 14, 19 and 20 are replaced with replacement Figures 2, 5, 14, 19 and 20. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicants would like to extend their gratitude to Examiners Look and Young for the courtesies extended to Applicants' representative during a personal interview conducted on October 20, 2010. The substance of the interview is summarized below.

In response to paragraphs 2-6 of the Office Action, Applicants hereby confirm their election of Group III, including claims 136-138 and 196. The restriction is respectfully traversed as all the pending claims in the application have a common special technical feature, e.g., relating to how the humidifier lid is adapted to seal against a surface surrounding the outlet of the water tank or water tank lid (claim 136). See MPEP 1850 and 1893.03(d).

The drawings were objected to in paragraph 7 of the Office Action. Reference number 85 is shown in Figure 6. By this Amendment, new Figures 2, 5, 14, 19 and 20 are provided. Reference number 157 has been provided to Figure 14, reference number 84 is provided to Figure 5, reference numbers 200 and 201 are provided to Figure 2, and reference number 801.1 is provided to Figure 20. In regard to reference number 801.1, the specification has been updated as well.

In addition, as a result of the interview, new Figure 19 is presented which identifies reference number 676c.

Reconsideration and withdrawal of the drawing objections are respectfully requested.

Claim 136 was rejected under 35 U.S.C. §103(a) over Smith (U.S. Patent No. 5,588,423) in view of Hewson et al. (U.S. Patent No. 6,435,180). This rejection is respectfully traversed.

Claim 136 is directed to a humidifier comprising a water tank having a water tank lid with an outlet, a humidifier base having a water tank receiving portion; and a humidifier lid having an outlet adapted to mate with an air delivery tube, the humidifier lid being connected to the humidifier base such that the humidifier lid is movable between a closed position and an open position while connected to the humidifier base, wherein the humidifier lid is adapted to seal against a surface surrounding the outlet of the water tank lid such that the humidifier includes a sealed air flow path extending from the water tank and through the outlet of the humidifier lid when the humidifier lid is in the closed position.

In the Office Action, the Examiner takes the position that Smith discloses a humidifier 1 with a water tub (16, 6, 7), a humidifier base having a water tub receiving portion 12 and a humidifier lid having an outlet 5. The Office Action states that “The humidifier lid is adapted to be in pressurized sealing relationship (Col. 2, ll. 11-13) with the water tub lid to allow a flow of air from the water tub to the air delivery conduit when the humidifier lid is in a closed position”. The Office Action then goes on to admit that “Smith is silent regarding that the water tub has a lid”. In order to make up for this deficiency, the Examiner relies on the teachings of Hewson et al. which teaches a water container 66 as shown in Figure 9. That water container includes a lid 72 with ribs creating vents to allow air flow through the lid. According to the Examiner, it would have been obvious to modify Smith’s “water tub” to include a lid, as taught by Hewson et al., for the purpose of minimizing spills that occur if the humidifier is removed.

This rejection is respectfully traversed for the following reasons.

First, Smith does not disclose a water tank as set forth in claim 136. Instead, Smith discloses a partition 6 which divides the water tank 1 into a supply reservoir 8 and a heated reservoir 7. In this way, the overall liquid capacity of the container is increased, while avoiding the need to heat the entire volume of liquid. In particular, water is supplied to the first heated reservoir 7 from the second supply reservoir 8 as water is used from the first heated reservoir 7, through a liquid communication path 9 flowing down through the vertical channel between the partition 6 and the wall of the vessel 2, and thence under the bottom edge of the partition. See column 2, lines 54-63. In addition, the insulating partition 6 is said to be loosely fitted within the humidification chamber 1 and loosely located by locating means 12, so that the liquid communication path is effectively provided by the loose tolerances between the insulating partition and the locating means. Accordingly, with this disclosure, it is clear that the cylindrical partition 6, with open ends, does not constitute a water tank or container.

Second, there is no motivation to provide the tank lid of Hewson et al. to the partition 6 of Smith. Specifically, the Examiner's motivation for making this combination is "for the purpose of minimizing spills that occur if the humidifier is moved". However, as discussed during the personal interview, such a lid, even if applied to the partition 6, would not protect against any spills which occur as between the outer annulus of water contained in the supply reservoir 8, which is also filled with water to the same extent as the water is filled within the partition 6. Moreover, application of the Hewson et al. lid to the Smith partition would appear to limit interaction between the inlet air which comes in through inlet 4 and the water within the heated reservoir 7. Thus, the efficiency of the humidification process of the air would be compromised.

Third, even if Smith is modified to include the lid of Hewson et al., neither reference teaches or suggests a humidifier lid adapted to seal against the surface surrounding the outlet of the water tank lid as set forth in claim 136. Smith specifically indicates that the length of overlap into the area of lesser internal diameter is greater than the distance between the top edge of the partition 6 and the lid portion 11 of the vessel 2. Col. 4, lines 28-34. In other words, Smith indicates that there is a gap between the top edge of the partition and the lid portion 11, implying that there would be no reason to apply a lid to the partition much less to then provide a sealing relationship between the humidifier lid and the tank lid. Moreover, such sealing contact might preclude entry and exit of air into the tank, through inlet 4 and outlet 5. In addition, Hewson et al. merely teaches that housing cover 94 and tank lid 72 may include depressions 92 that register with one another – there is no disclosure of a humidifier lid to seal against the surface surrounding the outlet of the water tank lid (claim 136).

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 137, 138 and 196 were rejected under 35 U.S.C. §103(a) over Smith in view of Hewson et al. and further in view of Nooner (U.S. Patent No. 6,604,390). This rejection is respectfully traversed because claims 137, 138 and 196 depend from claim 136, and are patentable by virtue of that dependency, in addition to the further features recited therein.

In addition, Nooner does not qualify as an analogous reference since it is not in the same field of endeavor and does not deal with the same problems confronted by the Applicants of the present invention. In particular, Nooner is directed to a device for securing an insulated chest to a stationary member, i.e., an ice cooler which includes a lanyard in order to affix it to a stationary structure to avoid theft of the cooler itself and/or the contents thereof. Nooner's entire disclosure and "Summary" in particular is directed toward security systems for an insulated chest, more

specifically a retractable cable capable of engagement with a stationary device and, at a removable end that has been removed, engagement to the insulated chest via a lock.

In fact, Nooner's "Objects of the Invention" section specifies that it is the object of the present invention to provide a simple, inexpensive, easy to install and operate security system whereby an insulated chest may be secured to a stationary member such as a vehicle, a tree or the like.

Moreover, Nooner is not directed toward the same problem solved by the present inventors, e.g., providing a humidifier that can be easily assembled and sealed with a water tank.

Even if Nooner would qualify as an analogous prior art reference, there is simply no reason, aside from impermissible hindsight, to combine Nooner's ice chest lid with Hewson et al.'s lid.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4398-207.

KENYON et al.
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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Paul T. Bowen/
Paul T. Bowen
Reg. No. 38,009

PTB:ewm/jck
Attachment:
Replacement Figures 2, 5, 14, 19 and 20 (5 sheets)

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100